IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.34679 of 2008
DILA KHATOON daughter of Molajim Mian
Resident of village- Bhakura Bhithi
P.S. Baniyapur, District- Saran
Versus
STATE OF BIHAR
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2 **18.11.2008** Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case registered for the offences under sections 366(A), 376/34 of the Indian Penal Code.

The allegation is to the effect that this petitioner went to the house of the informant and from there she took the two girls i.e. the daughter and grand daughter of the informant. Further allegation is that along with this petitioner the aforesaid two girls went away and on enquiry being made by the informant she could learn that this petitioner has also not gone to her house and later it revealed that those two girls along with the petitioner were taken away to a different destination by the co-accused Arman Ansari and others.

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It has been submitted on behalf of the petitioner that in the statement under section 164 of the Code of Criminal Procedure after about three months it has been stated that the co-accused Arman Ansari had committed rape. It is further submitted that the co-

accused Aslam Mian & Bechan Mian have been allowed bail against whom the allegation was that when the informant went to the house of Aslam Mian his whereabouts could not be made known to her and as regards the Bechan Mian the allegation is that he is alleged to have said that the girls are in Mumbai and on incurring the expenditure of rupees two lakhs they can be brought back.

Learned Addl. P.P. appearing for the State opposes the prayer for bail and submits that in view of the nature of allegations made in the complainant the petitioner is not entitled to be granted the privilege of anticipatory bail.

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Considering the facts and circumstances of the case and the submissions, as noticed above, I am not inclined to grant the privilege of anticipatory bail to this petitioner. His prayer for grant of anticipatory bail is, accordingly, rejected.

However, on surrender in case any application for bail is filed on behalf of the petitioner in the Court below, the same shall be considered on its own merit in accordance with law without being prejudiced by the present order.

Manish/- (Shailesh Kumar Sinha,J.)

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